

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #10	CCRB Case #: 202004771	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/02/2020 9:50 PM, Tuesday, 06/02/2020 10:00 PM, Wednesday, 06/03/2020 1:30 AM	Location of Incident: 14th St. and 5th Avenue, 13th St. and 5th Avenue, Red Hook Community Justice Center in Brooklyn	Precinct: 13	18 Mo. SOL 12/2/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 06/19/2020 1:15 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 07/02/2020 8:17 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Matthew Biondo	02915	950083	TB VTF
3. An officer			
4. SGT Songbo Zheng	05168	953603	MAN CT
5. POM Matthew Ansbro	13974	954490	TB VTF

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Nikoy Wallace	25344	963319	013 PCT
2. POF Katlyn Kang	16212	960742	028 PCT
3. LT Salvator Anselmo	00000	905392	007 PCT
4. POM Vincent Cuomo	03784	956560	DB SVD
5. POF Erica Rivera	25743	951148	007 PCT
6. POM James Arenella	12781	960172	007 PCT
7. POM Vince Wu	27185	946401	007 DET
8. POM Kevin Shaw	00795	963751	013 PCT
9. POM Cesar Mejia	03952	963648	007 PCT
10. PO Wandy Lopez	18762	958835	007 PCT
11. POF Melissa Lento	04081	942055	TB VTF
12. POF Kristin Goldberg	21948	959662	TB VTF
13. LT Thomas Nostramo	00000	933102	TB VTF
14. DI Steven Hellman	00000	906437	PBMS
15. SGT Stuart Wohl	04695	931439	F.T.S.
16. SGT Matthew Hughes	01045	952867	I.A.B.
17. SGT JOSEPH ROSSO	02766	935656	TB CW VTF
18. PO ATIF CHOCHAN	12286	955815	TB ATU

Witness Officer(s)	Shield No	Tax No	Cmd Name
19. PO CHRISTOPHER GARCIA	18597	932692	TB ATU

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: At the intersection of 14th Street and 5th Avenue in Manhattan, an officer struck § 87(2)(b) with a baton.	
B. Officers	Force: At the intersection of 13th Street and 5th Avenue in Manhattan, officers used physical force against individuals.	
C. Officers	Force: At the intersection of 13th Street and 5th Avenue in Manhattan, officers struck individuals with batons.	
D. An officer	Force: At the intersection of 13th Street and 5th Avenue in Manhattan, an officer struck § 87(2)(b) with a baton.	
E. Officers	Force: At the intersection of 13th Street and 5th Avenue in Manhattan, officers used physical force against § 87(2)(b)	
F. An officer	Discourtesy: At the Red Hook Community Justice Center in Brooklyn, an officer spoke discourteously to § 87(2)(b)	
G.POM Matthew Biondo	Abuse: At the Red Hook Community Justice Center in Brooklyn, Police Officer Matthew Biondo did not obtain medical treatment for § 87(2)(b)	
H.SGT Songbo Zheng	Abuse: At the Red Hook Community Justice Center in Brooklyn, Sergeant Songbo Zheng did not obtain medical treatment for § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On June 19, 2020, Lieutenant § 87(2)(b) Alfano of IAB filed this complaint with IAB on behalf of § 87(2)(b) and individuals, including § 87(2)(b) based on an article published in § 87(2)(g) (BR 01). It was received at the CCRB on July 2, 2020, under original IAB log number 2020-15498. This case was initially assigned to Investigator Matthew Corwin. On May 11, 2021, it was reassigned to Investigator Jackie Manginelli, and on June 25, 2021, it was reassigned to Supervising Investigator Maura R. Roche.

On June 2, 2020, at approximately 9:50 p.m., § 87(2)(b) was with a group of protestors in Union Square in Manhattan walking westbound on 14th Street. When they got to 5th Avenue, officers instructed § 87(2)(b) to get onto the sidewalk. § 87(2)(b) complied, at which point an officer struck § 87(2)(b) in the leg with his baton (**Allegation A: Force – Nightstick as club (incl asp & baton, § 87(2)(g))**) and told him to get on the ground, which he did.

When no one handcuffed him, § 87(2)(b) stood up and walked southbound on 5th Avenue while linking arms with approximately eight to 10 other protestors, including § 87(2)(b).

On the same date, at approximately 10:00 p.m., as § 87(2)(b) and the other protestors were approaching 13th Street, a group of approximately 15 officers approached them and physically separated them (**Allegation B: Force – Physical Force, § 87(2)(g)**), and an officer struck the protestors, including § 87(2)(b) with their batons (**Allegations C and D: Force – Nightstick as club (incl asp & baton, § 87(2)(g))**). § 87(2)(b) felt the officers hitting him on all sides and punching and kicking him (**Allegation E: Force – Physical Force, § 87(2)(g)**). § 87(2)(b) lost consciousness, and when he woke, he was in zip ties and was bleeding from a wound to his head.

PO Matthew Ansbro, of the Transit Bureau Citywide Vandals Task Force, brought § 87(2)(b) to the intersection of 14th Street and 5th Avenue, where he handed him off to PO Matthew Biondo, also of the Transit Bureau Citywide Vandals Task Force.

On June 3, 2020, at approximately, 1:30 a.m., § 87(2)(b) was transported to the Red Hook Community Justice Center in Brooklyn, and, while he was waiting at the entrance, an officer allegedly told him, in reference to his head injury, “At least you look like a badass now!” (**Allegation F: Discourtesy – Word, § 87(2)(g)**). A nurse, § 87(2)(b) cleaned the blood from § 87(2)(b)'s head, and an officer lodged him in a holding cell.

While waiting to be processed, a fellow protestor asked for medical attention on § 87(2)(b)'s behalf, but neither PO Biondo nor his supervisor at the location, Sgt. Songbo Zheng of the Brooklyn Court Section, provided it to him (**Allegations G and H: Abuse of Authority - Refusal to Provide Medical Attention, § 87(2)(g)**). § 87(2)(b) was eventually released, at which point he called for an ambulance and went to § 87(2)(b) for treatment.

§ 87(2)(g), § 87(4-b)

Body-worn camera footage was obtained from PO Tania Martinez (BR 02, BR 03, BR 04, BR 05, BR 06, and BR 07), Sgt. Matthew Hughes (BR 08, BR 09, BR 10, BR 11, and BR 12), PO Daniel McNulty (BR 13 and BR 14), PO Ahmad Kazi (BR 15 and BR 16), PO Carlos Juarez (BR 17 and BR 18), PO Wandy Lopez (BR 19, BR 20, BR 21, BR 22, BR 23, and BR 24), PO Vince Wu (BR 25, BR 26, BR 27, BR 28, BR 29, and BR 30), PO James Aranella (BR 31, BR 32, BR 33, and BR 34), PO Erica Rivera (BR 35 and BR 36), PO Cesar Mejia (BR 37 and BR 38), PO Vincent Cuomo (BR 39, BR 40, BR 41, and BR 42), PO Melissa Lento (BR 43 and BR 44), PO Atif Chohan (BR 45 and BR 46), PO Christopher Garcia (BR 47 and BR 48), and PO Chelsea Cuthbert (BR 49 and BR 50). Security footage was obtained from The New School (BR 51 and BR 52). Handheld footage of the incident was obtained from TARU (BR 53, BR 54, BR 55, BR 56, BR 57, BR 58, BR 59, BR 60, BR 61, BR 62, BR 63, BR 64, BR 65, and BR 66). § 87(2)(b)

posted a video of himself to § 87(2)(b) after he was release from the hospital (BR 67). The relevant videos are discussed below.

§ 87(2)(b)

On July 2, 2020, this case was added to the sensitive case list due to media coverage of the incident (BR 01).

Findings and Recommendations

§ 87(2)(g)

Allegation (A) Force: At the intersection of 14th Street and 5th Avenue in Manhattan, an officer struck § 87(2)(b) with a baton.

Allegation (B) Force: At the intersection of 13th Street and 5th Avenue in Manhattan, officers used physical force against individuals.

Allegation (C) Force: At the intersection of 13th Street and 5th Avenue in Manhattan, officers struck individuals with batons.

Allegation (D) Force: At the intersection of 13th Street and 5th Avenue in Manhattan, an officer struck § 87(2)(b) with a baton.

Allegation (E) Force: At the intersection of 13th Street and 5th Avenue in Manhattan, officers used physical force against § 87(2)(b)

Allegation (F) Discourtesy: At the Red Hook Community Justice Center in Brooklyn, an officer spoke discourteously to § 87(2)(b)

Known Facts and General Descriptions:

Allegations (A), (B), (C), (D) and (E):

§ 87(2)(b) (BR 69) stated that he was with a group of protestors marching in the general vicinity of Union Square in Manhattan. When § 87(2)(b) got to the intersection of 14th Street and 5th Avenue, he saw that officers had started to arrest people. § 87(2)(b) heard officers giving orders about the curfew, which had gone into effect at 8 p.m., but he could not recall what they were saying. Officers told § 87(2)(b) to get onto the sidewalk, which he did. Officers then arrested one of the people with § 87(2)(b) declined to identify this person). When § 87(2)(b) asked those officers not to arrest this person, a male officer wearing a uniform approached § 87(2)(b) and lightly shoved him, but § 87(2)(b) could not recall where on his body this officer pushed him. § 87(2)(b) could not further describe this officer and was not sure if he was wearing a white shirt or a dark blue uniform. This officer told § 87(2)(b) to get on the ground, so § 87(2)(b) lay face-down on the ground.

After a few minutes, when he realized that no one was going to handcuff him, § 87(2)(b) got up and found a group of eight to 10 other protestors. § 87(2)(b) linked arms with these protestors to form a “soft blockade” in front of officers as he and the other protestors walked backwards southbound on 5th Avenue toward 13th Street. As they were walking, approximately 15 officers “converged” on § 87(2)(b) and the people with whom he was linked and started to separate them. § 87(2)(b) felt officers hitting him on all sides and felt punches and kicks all over his body. Because this happened so quickly, § 87(2)(b) was not able to clearly see any of the officers who were doing this. § 87(2)(b) lost consciousness, and, when he came to, he was on the ground in flex-cuffs, and had sustained an injury to his head, which was bleeding. § 87(2)(b) later learned that he had broken his arm.

§ 87(2)(b) did not provide a statement to the investigation. However, During the New York Office of the Attorney General’s Hearing on Interactions between NYPD and the General Public (BR 70), § 87(2)(b) stated that she was with a group of protestors marching on 14th Street when

they encountered a group of officers at 5th Avenue who started “ambushing and striking” her and the other protestors with her with their batons. § 87(2)(b) was “linked” with § 87(2)(b) when an officer struck her in the arm with a baton to get her to release her grip on § 87(2)(b). § 87(2)(b) then watched officers “drag” § 87(2)(b) away. (When she next saw § 87(2)(b) it was in a picture on her § 87(2)(b) feed, and § 87(2)(b) was covered in blood). § 87(2)(b) and other protestors ran down 5th Avenue while officers followed, randomly striking them with batons and occasionally dragging someone away and putting them into handcuffs.

Allegation (F):

§ 87(2)(b) stated that after he was placed into flex-cuffs, he was eventually transported to the Red Hook Community Justice Center in Brooklyn for arrest processing. While he was waiting in line to be processed, a white male officer in uniform told § 87(2)(b) in regard to the dried blood on his head from a laceration he had sustained by his left temple, “At least you look like a badass now.” § 87(2)(b) was not able to provide a further description of this officer.

BWC and Other Video:

Allegation (A):

This allegation was not captured on body-worn camera footage. However, security footage obtained from the New School (BR 51 and BR 52) captured this portion of the incident and TARU footage (BR 57 and BR 58) shows § 87(2)(b) getting up from the ground. The original security footage from the New School contained video from four camera angles. A cropped version of just the relevant quadrant was prepared using iINPUT ACE (BR 71). Beginning at 10:19 minutes, § 87(2)(b) is visible on the left side of the frame (see screen shot at 10:19 minutes for location (BR 72) as part of a larger group of approximately 25 to 50 protestors. There is a line of approximately 10 to 15 officers opposite the protestors. At 10:32 minutes, officers from the line move forward toward the protestors, who move back away from the officers. Beginning at 10:39 minutes, on the upper left side of the frame, officers pull § 87(2)(b) out from the group, and, at 10:47 minutes, a white male officer wearing a dark blue uniform and an unmarked black helmet strikes § 87(2)(b) in the leg with a baton. A screen shot from 10:47 minutes captures the moment of contact (BR 73). § 87(2)(b) then lays face-down on the ground, and officers walk by him, leaving him unrestrained. At 11:10 minutes, § 87(2)(b) gets up from the ground.

In the TARU footage, beginning at 1:15 minutes, § 87(2)(b) is partially visible in the center of the frame. A screen shot from 1:15 minutes identifies his location (BR 74). § 87(2)(b) is lying face-down on the ground. There are officers in the general vicinity, but no one attending to § 87(2)(b). The camera pans away from § 87(2)(b) and turns back to him at 1:28 minutes, at which point he is standing up. § 87(2)(b) then walks southbound on 5th Avenue.

Allegations (B), (C), (D), and (E):

These allegations were not captured on body-worn camera or security footage but were captured on TARU footage (BR 57 and BR 58). Between 1:28 minutes and 1:46 minutes, § 87(2)(b) continues to walk southbound on the sidewalk on east side of 5th Avenue, at which point the camera pans to the left and away from § 87(2)(b). Beginning at 2:37 minutes, (see screen shot for § 87(2)(b)'s location BR 75), § 87(2)(b) is visible in the middle left of the frame walking with a group of approximately 10 to 15 protestors. § 87(2)(b) links arms with some of the protestors, and they walk southbound with their backs toward officers, who are approaching them from behind. At 2:42 minutes, an officer appears to approach § 87(2)(b) from behind (see screen shot for § 87(2)(b)'s location BR 76) and push him toward the sidewalk. However, the camera is filming at a distance, and, although partially zoomed in on this area, the figures and their specific actions are not clear.

§ 87(2)(b) remains standing, and a group of approximately five officers wearing white shirts and 10 to 15 officers wearing dark blue uniforms approach § 87(2)(b) and the people with him at the sidewalk. These officers surround the area where § 87(2)(b) had been standing, but only their backs are visible. At 2:53 minutes, a group of approximately five to 10 officers wearing white shirts and dark blue uniforms appear to bring someone, it is not clear who, down to the ground at the curb. A similarly comprised group of officers immediately south of that group also appears to be taking someone to the ground. It is not clear which group § 87(2)(b) is in or how many other people officers have taken to the ground in the immediate area. By 3:09 minutes, the camera pans to the left and continues to follow other officers southbound on 5th Avenue.

Allegation (F):

This allegation was not captured on any received video footage.

NYPD Documents Reviewed:

The investigation obtained desk/unit copies of roll call and detail rosters for the following commands: The 9th Precinct (**BR 77**), the 13th Precinct (**BR 78**), TBVTF (**BR 79**), FTS (**BR 80**), and Patrol Borough Manhattan (**BR 81**).

The Mass Arrest Report (**BR 82**) confirmed that PO Biondo was § 87(2)(b)'s arresting officer, but it did not provide any additional information to identify possible subject officers.

TRIs were prepared for PO Biondo (**BR 83**) and PO Ansbro (**BR 84**), and a supervising report was prepared by Sgt. Rosso (**BR 85**). The narrative stated that force was necessary to take § 87(2)(b) to the ground while apprehending him for violating the 8 p.m. curfew. Once on the ground, § 87(2)(b) hit his own head on the pavement, and he was later observed to have a cut on his head. Multiple officers were on the scene, but there was no reported body-worn camera footage of the incident and no officers besides PO Biondo and PO Ansbro were reported to have used force.

Because of incomplete descriptions of the officers involved in these allegations and a lack of additional police documentation of the protest, the investigation was unable to narrow down the subject officers based on Roll Calls, Detail Rosters, the Mass Arrest report, or TRI reports.

Concurrent Investigations:

A concurrent investigation into the allegations against § 87(2)(b) was conducted by Patrol Borough Bronx under case § 87(2)(b). However, the case file was not forwarded to the CCRB as the investigation was ongoing as of the date of this report (**BR 86**).

There are approximately three CCRB investigations into the protest at this incident location. Additionally, multiple Non-Governmental Organizations (NGOs), along with the NYC Department of Investigations (DOI), and the New York State Attorney General (OAG) have released public reports analyzing the NYPD's response to the protest at this incident location.

Ranking Officers:

The highest-ranking officer present for this incident was Deputy Inspector Hellman. He did not observe the allegations in this case.

Officers Interviewed:

PO Ansbro (**BR 87**) stated that when he arrived at 14th Street and 5th Avenue, there were approximately 150 to 200 protestors standing in the intersection. A supervising officer, he was not sure who, yelled, "Everyone's under! Arrest them!" Once this order was given, officers moved forward toward the protestors, who started to run away. As PO Ansbro followed, he saw approximately six officers arresting approximately four protestors, one of whom was § 87(2)(b). By the time PO Ansbro had approached to assist, the officers were all on top of the

protestors in what appeared to be a “dogpile.” PO Ansbro did not know who these officers were nor was he aware of their command(s), and he did not recall if he saw these officers taking § 87(2)(b) to the ground. PO Ansbro saw that § 87(2)(b) was “squirming” under these officers, but he could not further describe what § 87(2)(b) or the officers were doing physically and could not recall if § 87(2)(b) was resisting in any way. PO Ansbro held § 87(2)(b)s legs still while another officer – he was not sure who – placed him into flex-cuffs. When § 87(2)(b) stood up, PO Ansbro saw that there was blood on his face, but he did not know where it was coming from or how § 87(2)(b) had sustained the injury.

PO Ansbro was not sure what was happening with the other protestors and officers around them and did not know if anyone was resisting or if any officers used force to restrain them. PO Ansbro did not recall if he observed any officers punch or kick § 87(2)(b) or strike him or anyone else with a baton and denied doing this himself. PO Ansbro did not recall ever seeing § 87(2)(b) hitting his own head against the ground and, besides the injury to his head, was unaware of any other injuries § 87(2)(b) sustained. PO Ansbro had no recollection of seeing § 87(2)(b) during the protest prior to this and did not ever see § 87(2)(b) again after this. PO Ansbro did not ever go to the Red Hook Community Justice Center in Brooklyn.

Video of the incident did not refresh PO Ansbro’s recollection of the incident.

PO Biondo’s statement (**BR 88**) was generally consistent with that of PO Ansbro’s with the following exceptions noted. After receiving instruction to arrest people who did not disperse, PO Biondo saw a “commotion” between officers and protestors, but he was unable to make any clear observations of this because there were other officers and protestors obstructing his view. PO Biondo approached the area, and he had a vague recollection of seeing people with their arms linked, but he did not recall seeing any officers strike any individuals with batons, punch or kick them, or otherwise separate linked protestors. While PO Biondo did see officers taking people to the ground to take them into custody, he did not see any officers using any additional force, like baton strikes, punches, or kicks, at any point during the protest. PO Biondo was primarily concerned with “site security,” so he stood by other officers as they made arrests to ensure their safety from other protestors. PO Biondo assisted one officer – he was not sure who or their command – with an arrest by holding a protestor’s hand while that officer put flex-cuffs on him, but PO Biondo could not describe the protestor or provide further details about this interaction.

Once the protestors were arrested, they were taken to the intersection of 14th Street and 5th Avenue and seated in the street. A sergeant – PO Biondo did not know who or their command – assigned PO Biondo as the arresting officer for four individuals, one of whom was § 87(2)(b). PO Ansbro handed off § 87(2)(b) to PO Biondo, at which time PO Biondo saw that he had a laceration to his forehead but observed no additional injuries. PO Biondo did not know how § 87(2)(b) obtained these injuries, and no one ever explained to him how § 87(2)(b) was injured. PO Biondo did not ever speak with PO Ansbro about how § 87(2)(b) had been arrested and, prior to this, PO Biondo had no recollection of ever seeing § 87(2)(b) at the protest.

§ 87(2)(b) and other protestors were eventually transported to the Red Hook Community Justice Center for arrest processing. PO Biondo accompanied § 87(2)(b) through the arrest processing but denied ever telling § 87(2)(b) “You look like a badass now,” and he did not observe any other officers make this comment.

Video of the incident did not refresh PO Biondo’s recollection of the incident.

PO Wu (**BR 89** and **BR 90**), PO Lento (**BR 91**), Lieutenant Thomas Nostramo (**BR 92**), PO Kristin Goldberg (**BR 93**), PO Mejia (**BR 94**), PO Cuomo (**BR 95**), PO Kevin Shaw (**BR 96**), PO Katlyn Kang (**BR 97**), Deputy Inspector Hellman (**BR 98**), PO Lopez (**BR 99**), all provided generally consistent statements. While they all generally observed officers taking people into custody, none saw anyone strike § 87(2)(b) in the leg with a baton, and they all denied doing this. They did not observe § 87(2)(b) walking while linked arms with other people, and they did not ever see any officers striking with batons, kicking, or punching § 87(2)(b) or other

protestors while taking them into custody. They all denied taking part in placing § 87(2)(b) or any protestors around him into custody and were unaware of any force used to take him or other protestors around him into custody, nor were they aware of how § 87(2)(b) obtained his injuries. Video of the incident did not refresh their recollections. All denied witnessing § 87(2)(b) being processed at the Red Hook Community Justice Center in Brooklyn. Sgt. Zheng (BR 100) was never present at the initial protest location and denied ever telling him, “You look like a bad ass now.” He did not observe any other officers making this comment.

Allegation Recitation and Disposition:

As noted above, there was no clear video identifying the subject officers involved with these allegations, § 87(2)(b) was unable to provide detailed descriptions of any of the officers, and § 87(2)(b) did not provide a statement to the investigation. Although PO Ansbro and PO Biondo were listed as subject officers in the TRIs prepared in regard to § 87(2)(b) both denied using force against him and did not know who the officers were who took him to the ground. No other identified officers in the general vicinity recalled witnessing the allegations in the case and were all unable to identify other possible subject officers. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (G) Abuse of Authority: At the Red Hook Community Justice Center in Brooklyn, Police Officer Matthew Biondo did not obtain medical treatment for § 87(2)(b)

Allegation (H) Abuse of Authority: At the Red Hook Community Justice Center in Brooklyn, Sergeant Songbo Zheng did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) (BR 69) stated that when he arrived at the Red Hook Community Justice Center in Brooklyn for arrest processing, a nurse, identified by the investigation RN § 87(2)(b) at the entrance to the building wiped his face with a wet paper towel to remove the dried blood from his head laceration, but he provided no additional medical treatment. Officers led § 87(2)(b) inside and removed his flex-cuffs, at which time § 87(2)(b) realized that his arm was swinging in an awkward manner, leading him to believe that it was dislocated. A fellow detainee, who was a medic, told § 87(2)(b) that he needed medical attention and asked officers passing by to provide § 87(2)(b) with medical attention. As officers brought new people into the holding cells, the medic repeated his requests for medical attention for § 87(2)(b) but it was never provided.

When § 87(2)(b) was released, his roommate met him, and they called an ambulance, which transported him § 87(2)(b) Brooklyn. There, § 87(2)(b) received a total of 11 staples in his head for the lacerations he had sustained. § 87(2)(b) was then transported to § 87(2)(b) where he was fitted with a sling for a broken left humerus.

Neither § 87(2)(b) nor RN § 87(2)(b) provided the investigation with statements. § 87(2)(b)'s medical records § 87(2)(b) note that § 87(2)(b) first presented with a laceration on the left side of his scalp and left arm pain after having been “struck by a cop to his head and [left] arm.” § 87(2)(b) was treated for two four-centimeter lacerations to the left parietal lobe and a broken left humerus.

PO Biondo (BR 88) stated that when he was first assigned § 87(2)(b)'s arrest at the intersection of 14th Street and 5th Avenue, there were too many arrested protestors in the street for him to safely get § 87(2)(b) medical attention and that he thought that the most expedient way to get § 87(2)(b) medical attention would be to transport him to Central Booking. PO Biondo did not recall receiving any instructions from supervisors regarding providing § 87(2)(b) with Medical attention at that time.

PO Biondo drove to the Red Hook Community Justice Center in Brooklyn and met § 87(2)(b) in the line by the entrance to process arrest. While they were waiting, Sgt. Zheng approached them and saw the laceration on § 87(2)(b)'s head, at which point Sgt. Zheng sent RN § 87(2)(b) out to check § 87(2)(b). RN § 87(2)(b) cleaned the blood off § 87(2)(b)'s forehead, but PO Biondo was not sure if he provided any additional medical attention or if he examined § 87(2)(b)'s arm.

PO Biondo lodged § 87(2)(b) in a holding cell and someone, PO Biondo could not recall if it was him, removed § 87(2)(b)'s flex-cuffs. PO Biondo did not observe § 87(2)(b) while he was waiting inside the holding cell and did not observe anything abnormal in respect to § 87(2)(b)'s arm. At some point while at the processing center, Sgt. Zheng offered § 87(2)(b) an ambulance, but § 87(2)(b) refused. RN § 87(2)(b) came back a second time to check § 87(2)(b) and § 87(2)(b) stated that he wanted to leave as soon as possible and that he would rather go to the hospital himself. RN § 87(2)(b) confirmed with PO Biondo that he had offered an ambulance to § 87(2)(b) but that § 87(2)(b) had refused. RN § 87(2)(b) never told PO Biondo that § 87(2)(b) had to go to the hospital. § 87(2)(b) was then released with a summons.

Sgt. Zheng's statement (**BR 100**) was consistent with that of PO Biondo. Sgt. Zheng, seeing the dried blood on § 87(2)(b)'s head, approached him, and asked what happened. When § 87(2)(b) did not answer, PO Biondo told him that he had not witnessed the injury to § 87(2)(b) and that he had only been assigned the arrest after he was injured and in custody. Sgt. Zheng asked § 87(2)(b) if he wanted to go to the hospital, but he declined. Sgt. Zheng noted that § 87(2)(b) appeared lucid and aware of his surroundings and did not seem to be in need of immediate medical attention. Sgt. Zheng did not observe any injuries to § 87(2)(b)'s arm.

RN § 87(2)(b) came outside, cleaned § 87(2)(b)'s head wound, and went inside with § 87(2)(b) to a holding cell, where Sgt. Zheng assumed RN § 87(2)(b) was continuing to tend to § 87(2)(b)'s wounds. After a few minutes, RN § 87(2)(b) told Sgt. Zheng that § 87(2)(b) had a laceration to his head, which he had cleaned, and that he had provided him with band-aids. RN § 87(2)(b) did not tell Sgt. Zheng that § 87(2)(b) needed or expressed a desire to go to the hospital. After a few more minutes, PO Biondo wrote § 87(2)(b) a summons, at which time § 87(2)(b) complained of pain to his shoulders due to the flex-cuffs. Sgt. Zheng instructed PO Biondo to prepare a Medical Treatment of Prisoner Report for § 87(2)(b) to document that medical treatment had been offered to § 87(2)(b) and that he had declined. § 87(2)(b) was then released.

PO Lento (**BR 91**), PO Kang (**BR 97**), PO Mejia (**BR 94**), and PO Shaw (**BR 96**) all provided consistent statements. They reported to the Red Hook Community Justice Center to process arrests, but none of them recalled seeing § 87(2)(b) there and did not know if he requested or was provided with medical attention.

PO Ansbro (**BR 87**), PO Wu (**BR 89** and **BR 90**), Lieutenant Thomas Nostramo (**BR 92**), PO Kristin Goldberg (**BR 93**), PO Cuomo (**BR 95**), Deputy Inspector Hellman (**BR 98**), and PO Lopez (**BR 99**) all stated that they did not ever respond to the Red Hook Community Justice Center.

The Medical Treatment of Prisoner Report (**BR 102**), prepared by PO Biondo, was consistent with officer statements. The document noted that § 87(2)(b) "had lacerations to the head upon being arrested... § 87(2)(b) refused medical treatment at Court Section. Sgt. Zheng on scene." The report also noted that § 87(2)(b) refused medical attention in the field and at the Court Section and that he was seen by RN § 87(2)(b) on June 3, 2020, at approximately 1:42 a.m., and that a referral to the hospital was not recommended at that time.

PO Biondo also documented § 87(2)(b)'s refusal of medical attention in his memo book (**BR 103**) noting that § 87(2)(b) was released at 1:43 a.m. and "medical treatment refused at court section. Sgt. Zheng sh[ield] 5168 on scene. § 87(2)(b) examined by nurse § 87(2)(b)

The investigation determined that although a fellow protestor may have requested medical

attention on § 87(2)(b) s behalf while they were at the Red Hook Community Justice Center for arrest processing, § 87(2)(b) did not request it himself. Statements from PO Biondo and Sgt. Zheng, and police documentation confirm that § 87(2)(b) was evaluated by a nurse, § 87(2)(b) and that § 87(2)(b) refused medical attention.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a complainant (**BR 105**).
- This is the first complaint to which § 87(2)(b) has been a complainant (**BR 106**).
- PO Biondo has been a member of service for 10 years, and this is the first CCRB complaint to which he has been a subject.
- Sgt. Zheng has been a member of service for nine years and has been a subject in one CCRB complaint and two allegations, neither of which was substantiated. § 87(2)(g)
- PO Ansbro has been a member of service for eight years and has been a subject in five CCRB complaints and eight allegations, two of which were substantiated.
 - 202004586 involved substantiated allegations of a refusal to provide a shield number. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming serious physical and emotional injuries, including but not limited to a broken arm, lacerations to the head resulting in staples, physical injuries to his back, legs, elbow, anxiety, depression,

nightmares, flashbacks, lost wages, medical expenses, hospital costs, humiliation, loss of liberty, and loss of reputation and seeking that a jury determine damages. § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Squad No.: 10

Investigator: Maura R. Roche S.I. Maura R. Roche 03/07/2022
Signature Print Title & Name Date

Squad Leader: Eric Rigie IM Eric Rigie 3/8/2022
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date